

**AN ACT UPDATING AND IMPLEMENTING
WASHINGTON'S GROWTH POLICY FRAMEWORK**

- 1
- 2
- 3
- 4 RCW 36.70A.010 Legislative Findings
- 5 RCW 36.70A.011 Findings - Rural lands
- 6 RCW 36.70A.020 Planning Goals
- 7 RCW 36.70A.030 Definitions
- 8 RCW 36.70A.035 Public participation - Notice provisions
- 9 RCW 36.70A.040 Who must plan
- 10 RCW 36.70A.060 Critical Areas and Resource Lands - Regulations
- 11 RCW 36.70A.070 Comprehensive plans - Mandatory Elements
- 12 **RCW 36.70A.075 (NEW) Comprehensive plans - Implementation**
- 13 RCW 36.70A.080 Comprehensive plans - Optional Elements
- 14 RCW 36.70A.090 Comprehensive plans - Innovative techniques
- 15 **RCW 36.70A.095 (NEW) Development Regulations for Innovative housing**
- 16 RCW 36.70A.110 Comprehensive plans - Urban growth areas
- 17 RCW 36.70A.130 Comprehensive plans - Review and update procedures
- 18 RCW 36.70A.140 Comprehensive plans - Ensure public participation
- 19 RCW 36.70A.170 Critical Areas and Resource Lands - Designations
- 20 RCW 36.70A.210 Countywide Planning Policies
- 21 RCW 36.70A.470 Project review
- 22 RCW 58.115 - Prohibition on certain plat restrictions
- 23 **RCW 36.70A.XXX (NEW) Safe Harbors**

Sec. 1. Legislative findings

RCW 36.70A.010 is amended to read as follows:

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state.

1 It is in the public interest that citizens, communities, local,
2 state, and tribal governments, and the private sector cooperate
3 and coordinate collaborate with one another in regional and
4 local comprehensive land use planning that is adaptive,
5 inclusive, equitable, and actionable. in comprehensive land use
6 planning. Further, the legislature finds that it is in the
7 public interest that economic development programs be shared
8 with communities experiencing insufficient economic growth.
9 RCW 36.70A.010 is amended to read as follows:

10 The legislature finds that this chapter is intended to
11 recognize the importance of rural lands and rural character to
12 Washington's economy, its people, and its environment, while
13 respecting regional differences. Rural lands and rural-based
14 economies enhance the economic desirability of the state, help
15 to preserve traditional economic activities, and contribute to
16 the state's overall quality of life.

17 The legislature finds that to retain and enhance the job
18 base in rural areas, rural counties must have flexibility to
19 create opportunities for business development, take advantage of
20 emerging technologies, and foster economic development
21 partnerships with tribes.

22 Further, the legislature finds that rural counties must
23 have the flexibility to retain existing businesses and allow
24 them to expand. The legislature recognizes that not all business
25 developments in rural counties require an urban level of
26 services; and that many businesses in rural areas fit within the
27 definition of rural character identified by the local planning
28 unit.

29 Finally, the legislature finds that in defining its rural
30 element under RCW 36.70A.070(5), a county should foster land
31 use patterns and develop a local vision of rural character that
32 will: Help preserve rural-based economies and traditional rural
33 lifestyles; encourage the economic prosperity of rural
34 residents; foster opportunities for small-scale, rural-based
35 employment and self-employment; permit the operation of rural-
36 based agricultural, commercial, recreational, and tourist
37 businesses that are consistent with existing and planned land

1 use patterns; be compatible with the use of the land by wildlife
2 and for fish and wildlife habitat; foster the private
3 stewardship of the land and preservation of open space; and
4 enhance the rural sense of community and quality of life.

5
6 **Sec. 2. Planning goals**

7 RCW 36.70A.020 and 2002 c 154 s 1 are each amended to read as
8 follows:

9 The following goals are adopted to guide the development and
10 adoption of comprehensive plans and development regulations of
11 those counties and cities that are required or choose to plan under
12 RCW 36.70A.040, countywide and multicounty planning policies
13 adopted under RCW 36.70A.210 and regional transportation plans
14 adopted under RCW 47.80. In addition, the goals are to be
15 considered by the Growth Hearings Board when determining
16 invalidity. RCW 36.70A.302.

17 The following goals are not listed in order of priority: and
18 shall be used exclusively for the purposes of guiding the
19 development of comprehensive plans and development regulations.

20 (1) Urban growth. Encourage development in urban areas where
21 adequate public facilities and services exist or can be provided
22 in an efficient manner.

23 (2) Reduce sprawl. Reduce the inappropriate conversion of
24 undeveloped land into sprawling, low-density development.

25 (3) Transportation. Encourage efficient multimodal
26 transportation systems that help achieve statewide targets for
27 reduction of greenhouse gas emissions and per-capita vehicle miles
28 travelled and are based on regional priorities and coordinated
29 with county and city comprehensive plans.

30 (4) Housing. Encourage Promote the availability of affordable
31 housing to all economic segments of the population of this state,
32 promote provide a variety of residential densities, and housing
33 types, and encourage preservation of existing housing stock.

34 (5) Economic development. Encourage economic development
35 throughout the state that is consistent with adopted comprehensive
36 plans, promote economic opportunity for all citizens of this state,

1 especially for unemployed and for disadvantaged persons, promote
2 the retention and expansion of existing businesses and recruitment
3 of new businesses, recognize regional differences impacting
4 economic development opportunities, and encourage growth in areas
5 experiencing insufficient economic growth, all within the
6 capacities of the state's natural resources, public services, and
7 public facilities.

8 (6) Property rights. Private property shall not be taken for
9 public use without just compensation having been made. The property
10 rights of landowners shall be protected from arbitrary and
11 discriminatory actions.

12 (7) Permits. Applications for both state and local government
13 permits should be processed in a timely and fair manner to ensure
14 predictability.

15 (8) Natural resource industries. Maintain and enhance natural
16 resource-based industries, including productive timber,
17 agricultural, and fisheries industries. Encourage the conservation
18 of productive forestlands and productive agricultural lands and
19 discourage incompatible uses.

20 (9) Open space and recreation. Retain open space, enhance
21 recreational opportunities, ~~conserve~~ enhance fish and wildlife
22 habitat, increase access to natural resource lands and water, and
23 develop parks and recreation facilities.

24 (10) Environment. Protect the natural environment in order to
25 and enhance the state's high quality of life. Develop ecosystem
26 resilience by protecting including air and water quality, and
27 assuring the availability of water, and adapting to the impacts of
28 a changing climate and natural hazards.

29 (11) Equitable and inclusive citizen participation. and
30 coordination. Encourage Ensure the involvement of citizens in the
31 planning process, including historically underserved and under-
32 represented people and communities who often have been unevenly
33 impacted by public policy decisions.

34 (12) Environmental justice. Promote the fair treatment of
35 all people with respect to the development, adoption, and
36 enforcement of land use and environmental laws, regulations, and
37 policies.

1 (13) Encourage Provide for inter-jurisdictional coordination
2 and collaboration. In order to reduce and reconcile conflicts,
3 provide for coordination and collaboration between communities and
4 jurisdictions, including cities, counties, special districts,
5 regional agencies, state agencies, and tribal governments.

6 (12)-(14) Public facilities and services. Ensure that those
7 public facilities and services necessary to support development
8 shall be adequate to serve the development at the time the
9 development is available for occupancy and use without decreasing
10 current service levels below locally established minimum
11 standards.

12 (13)-(15) Historic preservation. Identify and encourage the
13 preservation of lands, sites, and structures, that have
14 historical, cultural, or archaeological significance.

15 (16) Climate change and natural hazards resiliency. Respond to
16 climate change by adopting and implementing regional and local
17 goals, policies, development regulations, capital improvements and
18 educational programs to support statewide reduction of greenhouse
19 gas emissions and vehicle miles travelled. Build resilient
20 communities and mitigate the impacts of climate change related
21 threats to the state's public health, environmental health, and
22 economic health.

23
24 **Sec. 3. Definitions.**

25 RCW 36.70A.030 and 2020 c 173 s 4 are each amended to read as
26 follows:

27 Unless the context clearly requires otherwise, the definitions
28 in this section apply throughout this chapter.

29 (1) "Adopt a comprehensive land use plan" means to enact a new
30 comprehensive land use plan or to update an existing comprehensive
31 land use plan.

32 (2) "Affordable housing" means, unless the context clearly
33 indicates otherwise, residential housing whose monthly costs,
34 including utilities other than telephone, do not exceed thirty
35 percent of the monthly income of a household whose income is:

1 (a) For rental housing, sixty percent of the median household
2 income adjusted for household size, for the county where the
3 household is located, as reported by the United States department
4 of housing and urban development; or

5 (b) For owner-occupied housing, eighty percent of the median
6 household income adjusted for household size, for the county where
7 the household is located, as reported by the United States
8 department of housing and urban development.

9 (3) "Affordability Shortage" means a situation that exists
10 when an urban county's median home sale price and median rent have
11 risen by 5% or more than that county's median household income for
12 two or more consecutive years following that county's most recent
13 comprehensive plan update year under RCW 36.70A.130(4). The
14 median sales price, median rent, and median household income
15 information are tracked and reported by the department, relying on
16 data maintained by the University of Washington or other public
17 institutions.

18 ~~(3)~~(4) "Agricultural land" means land primarily devoted to
19 the commercial production of horticultural, viticultural,
20 floricultural, dairy, apiary, vegetable, or animal products or of
21 berries, grain, hay, straw, turf, seed, Christmas trees not subject
22 to the excise tax imposed by *RCW 84.33.100 through 84.33.140,
23 finfish in upland hatcheries, or livestock, and that has long-term
24 commercial significance for agricultural production.

25 (5) "Board" or "growth board" means the Growth Management
26 Hearings Board authorized by RCW 36.70A.250.

27 ~~(4)~~(6) "City" means any city or town, including a code city.

28 ~~(5)~~(7) "Comprehensive land use plan," "comprehensive plan," or
29 "plan" means a generalized coordinated land use policy statement
30 of the governing body of a county or city that is adopted pursuant
31 to this chapter.

32 ~~(6)~~(8) "Critical areas" include the following areas and
33 ecosystems: (a) Wetlands; (b) areas with a critical recharging
34 effect on aquifers used for potable water; (c) fish and wildlife
35 habitat conservation areas; (d) frequently flooded areas; and (e)
36 geologically hazardous areas. "Fish and wildlife habitat
37 conservation areas" does not include such artificial features or
38 constructs as irrigation delivery systems, irrigation
39 infrastructure, irrigation canals, or drainage ditches that lie
40 within the boundaries of and are maintained by a port district or
41 an irrigation district or company.

42 ~~(7)~~(9) "Department" means the department of commerce.

1 ~~(8)~~ (10) "Development regulations" or "regulation" means the
2 controls placed on development or land use activities by a county
3 or city, including, but not limited to, zoning ordinances, critical
4 areas ordinances, shoreline master programs, official controls,
5 planned unit development ordinances, subdivision ordinances, and
6 binding site plan ordinances together with any amendments thereto.
7 A development regulation does not include a decision to approve a
8 project permit application, as defined in RCW 36.70B.020, even
9 though the decision may be expressed in a resolution or ordinance
10 of the legislative body of the county or city.

11 (11) "Ecosystem" means a biological community consisting of
12 all the living organisms (including humans) in a particular area
13 and the nonliving components, such as air, water, and mineral
14 soil, with which the organisms interact.

15 (12) "Environmental justice" means the right of every
16 individual to a safe, healthy, productive, and sustainable
17 environment, where environment is considered in its totality to
18 include the ecological, physical, social, political, aesthetic,
19 and economic environment.

20 ~~(9)~~ (13) "Extremely low-income household" means a single
21 person, family, or unrelated persons living together whose
22 adjusted income is at or below thirty percent of the median
23 household income adjusted for household size, for the county where
24 the household is located, as reported by the United States
25 department of housing and urban development.

26 (14) "Fish and Wildlife Habitat Conservation Areas" means the
27 portion of an ecosystem within which a given species or multiple
28 species have a primary association, and which, if altered, may
29 reduce the likelihood that the given species or multiple species
30 will maintain and reproduce over the long-term. These may include
31 but are not limited to areas of relative density or species
32 richness, breeding habitat, winter range, and movement corridors.

33 (15) ~~(10)~~ "Forestland" means land primarily devoted to growing
34 trees for long-term commercial timber production on land that can

1 be economically and practically managed for such production,
2 including Christmas trees subject to the excise tax imposed under
3 *RCW 84.33.100 through 84.33.140, and that has long-term
4 commercial significance. In determining whether forestland is
5 primarily devoted to growing trees for long-term commercial timber
6 production on land that can be economically and practically managed
7 for such production, the following factors shall be considered:
8 (a) The proximity of the land to urban, suburban, and rural
9 settlements; (b) surrounding parcel size and the compatibility and
10 intensity of adjacent and nearby land uses; (c) long-term local
11 economic conditions that affect the ability to manage for timber
12 production; and (d) the availability of public facilities and
13 services conducive to conversion of forestland to other uses.

14 ~~(11)~~(16) "Freight rail dependent uses" means buildings and
15 other infrastructure that are used in the fabrication, processing,
16 storage, and transport of goods where the use is dependent on and
17 makes use of an adjacent short line railroad. Such facilities are
18 both urban and rural development for purposes of this chapter.
19 "Freight rail dependent uses" does not include buildings and other
20 infrastructure that are used in the fabrication, processing,
21 storage, and transport of coal, liquefied natural gas, or "crude
22 oil" as defined in RCW 90.56.010.

23
24 ~~(17)~~ "Form-based code" means a development regulation that
25 applies illustrated building and site design standards in order
26 to create timely and predictable outcomes consistent with
27 desired community character. Form-based codes primarily
28 regulate the character and configuration of development in
29 contrast to traditional "use-based" regulations that primarily
30 focus on density and extensive lists of permitted and
31 conditional uses.

32 ~~(12)~~(18) "Geologically hazardous areas" means areas that
33 because of their susceptibility to erosion, sliding, earthquake,
34 or other geological events, are not suited to the siting of
35 commercial, residential, or industrial development consistent
36 with public health or safety concerns.

37 ~~(13)~~ (19) "Housing types" means a range of physical forms of
38 housing, including but not limited to detached single-family,
39 middle housing, mixed use, mid-rise and high-rise stacked unit
40 configurations.

1 ~~(13)~~ (20) "Long-term commercial significance" includes the
2 growing capacity, productivity, and soil composition of the land
3 for long-term commercial production, in consideration with the
4 land's proximity to population areas, and the possibility of more
5 intense uses of the land.

6 ~~(14)~~ (21) "Low-income household" means a single person, family,
7 or unrelated persons living together whose adjusted income is at
8 or below eighty percent of the median household income adjusted
9 for household size, for the county where the household is located,
10 as reported by the United States department of housing and urban
11 development.

12 (22) "Middle Housing" means residences including duplexes,
13 triplexes, fourplexes, townhomes, cottage housing, bungalow
14 courtyards, and live-work structures.

15 ~~(15)~~ (23) "Minerals" include gravel, sand, and valuable metallic
16 substances.

17 ~~(16)~~ (24) "Permanent supportive housing" is subsidized, leased
18 housing with no limit on length of stay that prioritizes people
19 who need comprehensive support services to retain tenancy and
20 utilizes admissions practices designed to use lower barriers to
21 entry than would be typical for other subsidized or unsubsidized
22 rental housing, especially related to rental history, criminal
23 history, and personal behaviors. Permanent supportive housing is
24 paired with on-site or off-site voluntary services designed to
25 support a person living with a complex and disabling behavioral
26 health or physical health condition who was experiencing
27 homelessness or was at imminent risk of homelessness prior to
28 moving into housing to retain their housing and be a successful
29 tenant in a housing arrangement, improve the resident's health
30 status, and connect the resident of the housing with community-
31 based health care, treatment, or employment services. Permanent
32 supportive housing is subject to all of the rights and
33 responsibilities defined in chapter 59.18 RCW.

34 ~~(17)~~ (25) "Public facilities" include streets, roads, highways,
35 sidewalks, street and road lighting systems, traffic signals,
36 domestic water systems, storm and sanitary sewer systems, parks
37 and recreational facilities, and schools.

38 ~~(18)~~ (26) "Public services" include fire protection and
39 suppression, law enforcement, public health, education,
40 recreation, environmental protection, and other governmental
41 services.

42 (27) "Puget Sound region" means the counties and cities that
43 encompass Puget Sound and related inland marine waters,
44 including all salt waters of the state of Washington inside the

1 international boundary line between Washington and British
 2 Columbia, and lying east of the junction of the Pacific Ocean
 3 and the Strait of Juan de Fuca, and the rivers and streams
 4 draining to Puget Sound as mapped by water resource inventory
 5 areas 1 through 19 in WAC 173-500-040.

6 ~~(19)~~ (28) "Recreational land" means land so designated under
 7 **RCW 36.70A.1701 and that, immediately prior to this designation,
 8 was designated as agricultural land of long-term commercial
 9 significance under RCW 36.70A.170. Recreational land must have
 10 playing fields and supporting facilities existing before July 1,
 11 2004, for sports played on grass playing fields.

12 (29) "Resilience" means the ability to thrive in the present,
 13 adapt to changing circumstances and challenges, and even transform
 14 as necessary to meet future threats or opportunities.

15 (30) "Rural area" means that portion of a county that is not
 16 designated as urban growth area or resource lands.

17 ~~(20)~~ (31) "Rural character" refers to the patterns of land use
 18 and development established by a county in the rural element of
 19 its comprehensive plan:

20 (a) In which open space, the natural landscape, and vegetation
 21 predominate over the built environment;

22 (b) That foster traditional rural lifestyles, rural-based
 23 economies, and opportunities to both live and work in rural areas;

24 (c) That provide visual landscapes that are traditionally
 25 found in rural areas and communities;

26 (d) That are compatible with the use of the land by wildlife
 27 and for fish and wildlife habitat;

28 (e) That reduce the inappropriate conversion of undeveloped
 29 land into sprawling, low-density development;

30 (f) That generally do not require the extension of urban
 31 governmental services; and

32 (g) That are consistent with the protection of natural surface
 33 water flows and groundwater and surface water recharge and
 34 discharge areas.

35 (32) "Rural county" means any of the twenty-nine counties not
 36 defined in this chapter as an urban county.

37 ~~(21)~~ (33) "Rural development" refers to development outside the
 38 urban growth area and outside agricultural, forest, and mineral
 39 resource lands designated pursuant to RCW 36.70A.170. Rural
 40 development can consist of a variety of uses and residential
 41 densities, including clustered residential development, at levels

1 that are consistent with the preservation of rural character and
2 the requirements of the rural element. Rural development does not
3 refer to agriculture or forestry activities that may be conducted
4 in rural areas.

5 ~~(22)~~ (34) "Rural governmental services" or "rural services"
6 include those public services and public facilities historically
7 and typically delivered at an intensity usually found in rural
8 areas, and may include domestic water systems, fire and police
9 protection services, transportation and public transit services,
10 and other public utilities associated with rural development and
11 normally not associated with urban areas. Rural services do not
12 include storm or sanitary sewers, except as otherwise authorized
13 by RCW 36.70A.110(4).

14 ~~(23)~~ (35) "Short line railroad" means those railroad lines
15 designated class II or class III by the United States surface
16 transportation board.

17 ~~(36)~~ "Tribe" or "tribal government" means any federally
18 recognized Indian tribe whose traditional lands and territories
19 included parts of the State of Washington. RCW 43.376.010.

20 ~~(37)~~ "Urban county" means King, Snohomish, Kitsap, Pierce,
21 Whatcom, Thurston, Clark, Spokane, Franklin, and Benton counties.

22 ~~(38)~~ "Urban densities" means residential densities of at least
23 six net dwelling units per acre.

24 ~~(24)~~ (39) "Urban governmental services" or "urban services"
25 include those public services and public facilities at an intensity
26 historically and typically provided in cities, specifically
27 including storm and sanitary sewer systems, domestic water
28 systems, street cleaning services, fire and police protection
29 services, public transit services, and other public utilities
30 associated with urban areas and normally not associated with rural
31 areas.

32 ~~(25)~~ (40) "Urban growth" refers to growth that makes intensive
33 use of land for the location of buildings, structures, and
34 impermeable surfaces to such a degree as to be incompatible with
35 the primary use of land for the production of food, other
36 agricultural products, or fiber, or the extraction of mineral
37 resources, rural uses, rural development, and natural resource
38 lands designated pursuant to RCW 36.70A.170. A pattern of more
39 intensive rural development, as provided in RCW 36.70A.070(5)(d),
40 is not urban growth. When allowed to spread over wide areas, urban
41 growth typically requires urban governmental services.
42 "Characterized by urban growth" refers to land having urban growth
43 located on it, or to land located in relationship to an area with
44 urban growth on it as to be appropriate for urban growth.

1 ~~(26)~~ (41) "Urban growth areas" means those areas designated by
2 a county pursuant to RCW 36.70A.110.

3 ~~(27)~~ (42) "Very low-income household" means a single person,
4 family, or unrelated persons living together whose adjusted income
5 is at or below fifty percent of the median household income
6 adjusted for household size, for the county where the household is
7 located, as reported by the United States department of housing
8 and urban development.

9 ~~(28)~~ (43) "Wetland" or "wetlands" means areas that are inundated
10 or saturated by surface water or groundwater at a frequency and
11 duration sufficient to support, and that under normal
12 circumstances do support, a prevalence of vegetation typically
13 adapted for life in saturated soil conditions. Wetlands generally
14 include swamps, marshes, bogs, and similar areas. Wetlands do not
15 include those artificial wetlands intentionally created from
16 nonwetland sites, including, but not limited to, irrigation and
17 drainage ditches, grass-lined swales, canals, detention
18 facilities, wastewater treatment facilities, farm ponds, and
19 landscape amenities, or those wetlands created after July 1, 1990,
20 that were unintentionally created as a result of the construction
21 of a road, street, or highway. Wetlands may include those
22 artificial wetlands intentionally created from nonwetland areas
23 created to mitigate conversion of wetlands.

24 (44) "Wildland urban interface" means the area where homes are
25 built near or among lands that are prone to wildland fire.

26 **Sec. 4. Public participation - Notice provisions**

28 RCW 36.70A.035 is amended to read as follows:

29 (1) The public participation requirements of this chapter
30 shall include notice procedures that are reasonably calculated
31 to provide notice to property owners and other affected and
32 interested individuals, tribes, government agencies, businesses,
33 school districts, group A public water systems required to
34 develop water system plans consistent with state board of health
35 rules adopted under RCW 43.20.050, and organizations of
36 proposed amendments to comprehensive plans and development
37 regulation. Examples of reasonable notice provisions include:

38 (a) Posting the property for site-specific proposals;

39 (b) Publishing notice in a newspaper of general circulation
40 in the county, city, or general area where the proposal is
41 located or that will be affected by the proposal;

42 (c) Notifying public or private groups with known interest
43 in a certain proposal or in the type of proposal being
44 considered;

45 (d) Placing notices in appropriate regional, neighborhood,
46 ethnic, or trade journals; and

1 (e) Publishing notice in agency newsletters or sending
2 notice to agency mailing lists, including general lists or lists
3 for specific proposals or subject areas.

4 (f) At least 30 days before taking legislative action
5 authorized or required by this Chapter, a county shall provide
6 notice to any tribe within the county or which possesses
7 resource interests in ceded lands or Usual and Accustomed areas
8 in the county. The notice shall be provided to any tribe which
9 provides written notice to the county that it meets the criteria
10 in this subsection. The notice shall be given by mail addressed
11 to the Chairman of the tribe and copied to the Tribe's general
12 manager or planning director.

13 (2) (a) Except as otherwise provided in (b) of this
14 subsection, if the legislative body for a county or city chooses
15 to consider a change to an amendment to a comprehensive plan or
16 development regulation, and the change is proposed after the
17 opportunity for review and comment has passed under the county's
18 or city's procedures, an opportunity for review and comment on
19 the proposed change shall be provided before the local
20 legislative body votes on the proposed change.

21 (b) An additional opportunity for public review and comment
22 is not required under (a) of this subsection if:

23 (i) An environmental impact statement has been prepared
24 under chapter 43.21C RCW for the pending resolution or
25 ordinance and the proposed change is within the range of
26 alternatives considered in the environmental impact statement;

27 (ii) The proposed change is within the scope of the
28 alternatives available for public comment;

29 (iii) The proposed change only corrects typographical
30 errors, corrects cross-references, makes address or name
31 changes, or clarifies language of a proposed ordinance or
32 resolution without changing its effect;

33 (iv) The proposed change is to a resolution or ordinance
34 making a capital budget decision as provided in RCW 36.70A.120;
35 or

36 (v) The proposed change is to a resolution or ordinance
37 enacting a moratorium or interim control adopted under
38 RCW 36.70A.390.

39 (3) This section is prospective in effect and does not
40 apply to a comprehensive plan, development regulation, or
41 amendment adopted before July 27, 1997.
42

43 **Sec. 5. Critical areas and resource lands regulations**

1 RCW 36.70A.060 and 2017 3rd sp.s. c 18 s 3 are each amended to
2 read as follows:

3 (1)(a) Each county that is required or chooses to plan under
4 RCW 36.70A.040, and each city within such county, shall adopt
5 development regulations on or before September 1, 1991, to assure
6 the conservation of agricultural, forest, and mineral resource
7 lands designated under RCW 36.70A.170. Regulations adopted under
8 this subsection may not prohibit uses legally existing on any
9 parcel prior to their adoption and shall remain in effect until
10 the county or city adopts development regulations pursuant to RCW
11 36.70A.040. Such regulations shall assure that the use of lands
12 adjacent to agricultural, forest, or mineral resource lands shall
13 not interfere with the continued use, in the accustomed manner and
14 in accordance with best management practices, of these designated
15 lands for the production of food, agricultural products, or timber,
16 or for the extraction of minerals. Any county located to the west
17 of the crest of the Cascade mountains that has both a population
18 of at least four hundred thousand and a border that touches another
19 state, and any city in such county, may adopt development
20 regulations to assure that agriculture, forest, and mineral
21 resource lands adjacent to short line railroads may be developed
22 for freight rail dependent uses.

23 (b) Counties and cities shall require that all plats, short
24 plats, development permits, and building permits issued for
25 development activities on, or within five hundred feet of, lands
26 designated as agricultural lands, forestlands, or mineral resource
27 lands, contain a notice that the subject property is within or
28 near designated agricultural lands, forestlands, or mineral
29 resource lands on which a variety of commercial activities may
30 occur that are not compatible with residential development for
31 certain periods of limited duration. The notice for mineral
32 resource lands shall also inform that an application might be made
33 for mining-related activities, including mining, extraction,
34 washing, crushing, stockpiling, blasting, transporting, and
35 recycling of minerals.

36 (c) Each county that adopts a resolution of partial planning
37 under RCW 36.70A.040(2)(b), and each city within such county, shall
38 adopt development regulations within one year after the adoption
39 of the resolution of partial planning to assure the conservation
40 of agricultural, forest, and mineral resource lands designated
41 under RCW 36.70A.170. Regulations adopted under this subsection
42 (1)(c) must comply with the requirements governing regulations
43 adopted under (a) of this subsection.

44 (d)(i) A county that adopts a resolution of partial planning
45 under RCW 36.70A.040(2)(b) and that is not in compliance with the
46 planning requirements of this section, RCW 36.70A.040(4),
47 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the

1 resolution is adopted must, by January 30, 2017, apply for a
2 determination of compliance from the department finding that the
3 county's development regulations, including development
4 regulations adopted to protect critical areas, and comprehensive
5 plans are in compliance with the requirements of this section, RCW
6 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172. The
7 department must approve or deny the application for a determination
8 of compliance within one hundred twenty days of its receipt or by
9 June 30, 2017, whichever date is earlier.

10 (ii) If the department denies an application under (d)(i) of
11 this subsection, the county and each city within is obligated to
12 comply with all requirements of this chapter and the resolution
13 for partial planning adopted under RCW 36.70A.040(2)(b) is no
14 longer in effect.

15 (iii) A petition for review of a determination of compliance
16 under (d)(i) of this subsection may only be appealed to the growth
17 management hearings board within sixty days of the issuance of the
18 decision by the department.

19 (iv) In the event of a filing of a petition in accordance with
20 (d)(iii) of this subsection, the county and the department must
21 equally share the costs incurred by the department for defending
22 an approval of determination of compliance that is before the
23 growth management hearings board.

24 (v) The department may implement this subsection (1)(d) by
25 adopting rules related to determinations of compliance. The rules
26 may address but are not limited to: The requirements for
27 applications for a determination of compliance; charging of costs
28 under (d)(iv) of this subsection; procedures for processing
29 applications; criteria for the evaluation of applications;
30 issuance and notice of department decisions; and applicable
31 timelines.

32 (e) Any county that borders both the Cascade mountains and
33 another country and has a population of less than fifty thousand
34 people, and any city in such county, may adopt development
35 regulations to assure that agriculture, forest, and mineral
36 resource lands adjacent to short line railroads may be developed
37 for freight rail dependent uses.

38 (2) Each county and city shall adopt development regulations
39 that protect critical areas that are required to be designated
40 under RCW 36.70A.170. For counties and cities that are required or
41 choose to plan under RCW 36.70A.040, such development regulations
42 shall be adopted on or before September 1, 1991. For the remainder
43 of the counties and cities, such development regulations shall be
44 adopted on or before March 1, 1992.

45 (3) Such counties and cities shall review these designations
46 and development regulations when adopting their comprehensive
47 plans under RCW 36.70A.040 and implementing development

1 regulations under RCW 36.70A.120 and may alter such designations
2 and development regulations to insure consistency.

3 ~~(4)~~ Counties and cities in the Puget Sound region shall, in
4 accordance with the dates set forth at RCW 36.70A.130, update
5 their critical areas regulations guided by the Puget Sound
6 Action Agenda.

7 (5) Counties and cities shall amend critical areas regulations
8 to rigorously protect fish and wildlife habitat conservation
9 areas and riparian corridors from intrusions by human activity
10 or built infrastructure. The department, in consultation with
11 the departments of Fish and Wildlife and Ecology, shall adopt
12 new guidelines for critical areas to achieve the purposes of
13 this subsection.

14
15 ~~(4)~~ (6) Forestland and agricultural land located within urban
16 growth areas shall not be designated by a county or city as
17 forestland or agricultural land of long-term commercial
18 significance under RCW 36.70A.170 unless the city or county has
19 enacted a program authorizing transfer or purchase of development
20 rights.

21
22 **Sec. 6. Comprehensive plans - mandatory elements**

23
24 RCW 36.70A.070 is amended to read as follows:
25

26 The comprehensive plan of a county or city that is required
27 or chooses to plan under RCW [36.70A.040](#) shall consist of a map
28 or maps, and descriptive text covering objectives, principles,
29 and standards used to develop the comprehensive plan. The plan
30 shall be an internally consistent document and all elements
31 shall be consistent with the future land use map. A
32 comprehensive plan shall be adopted and amended with public
33 participation as provided in RCW [36.70A.140](#). Each comprehensive
34 plan shall include a plan, scheme, or design for each of the
35 following:

1 (1) A land use element designating the proposed general
2 distribution and general location and extent of the uses of
3 land, where appropriate, for agriculture, timber production,
4 housing, commerce, industry, recreation, open spaces, general
5 aviation airports, public utilities, public facilities, and
6 other land uses. The land use element shall include population
7 densities, building intensities, and estimates of future
8 population growth consistent with the housing needs identified
9 in section 2(a). The land use element shall provide for
10 protection of the quality and quantity of groundwater used for
11 public water supplies and give special consideration to
12 achieving environmental justice in its goals and policies. In
13 addition, the land use element shall avoid creating or worsening
14 environmental health disparities. Wherever possible, the land
15 use element should consider utilizing urban planning approaches
16 that promote physical activity and reduce vehicle miles
17 travelled on a per capita basis. Where applicable, the land use
18 element shall review drainage, flooding, and stormwater runoff
19 in the area and nearby jurisdictions and provide guidance for
20 corrective actions to mitigate or cleanse those discharges that
21 pollute waters of the state, including Puget Sound or waters
22 entering Puget Sound.

23 The land use element shall incorporate planning approaches that
24 help achieve statewide targets for reduction of greenhouse gas
25 emissions and per capita vehicle miles travelled, promote
26 development patterns and construction techniques that conserve
27 energy and protect natural resources, and address natural
28 hazards exacerbated by climate change including but not limited
29 to sea level rise, flooding, wildfires, landslides, and drought.

30 (2) A housing element that provides for the stability and
31 vitality of ~~ensuring the vitality, and character of established~~
32 residential neighborhoods by assuring that infill respects

1 established neighborhood character and that neighborhood
 2 infrastructure and amenities, such as walkways, trees, and
 3 parks, are maintained or improved. The housing element shall
 4 that: (a) Includes include an inventory and analysis of existing
 5 and projected housing needs and that identifyies the number of
 6 housing units necessary to manage projected growth; (b) includes
 7 include a statement of goals, policies, objectives, and
 8 mandatory provisions for the preservation, improvement, and
 9 development of a variety of housing types, including middle
 10 housing-single-family residences; (c) identifies identify
 11 sufficient land for housing needs identified in subsection (a),
 12 including, but not limited to, government-assisted housing,
 13 housing for low-income families, manufactured housing, attached
 14 and detached single family housing, multifamily housing,
 15 congregate care facilities, and shelter for the unhoused. -and
 16 group homes and foster care facilities; and (d) make adequate
 17 provisions for existing and projected needs of all economic
 18 segments of the community. In urban counties, the land use
 19 element shall permit middle housing in at least 80% of the land
 20 area designated for single family residential zones, and
 21 increase residential capacity in and adjacent to commercial and
 22 mixed use areas and in areas near or adjacent to existing or
 23 planned frequent transit service.

24 In counties and cities subject to the review and evaluation
 25 requirements of RCW 36.70A.215, any revision to the housing
 26 element shall include consideration of prior review and
 27 evaluation reports and any reasonable measures identified. The
 28 revision should also consider how the changes in housing stock
 29 over the planning period relate to the housing needs identified.

30 (3) A capital facilities plan element consisting of: (a) An
 31 inventory of existing capital facilities owned by public
 32 entities, showing the locations and capacities of the capital
 33 facilities; (b) a forecast of the future needs for such capital

1 facilities; (c) the proposed locations and capacities of
 2 expanded or new capital facilities; (d) at least a six-year plan
 3 that will finance such capital facilities within projected
 4 funding capacities and clearly identifies sources of public
 5 money for such purposes; and (e) a requirement to reassess the
 6 land use element if probable funding falls short of meeting
 7 existing needs and to ensure that the land use element, capital
 8 facilities plan element, and financing plan within the capital
 9 facilities plan element are coordinated and consistent. Park and
 10 recreation facilities shall be included in the capital
 11 facilities plan element.

12 The capital facilities element shall give special
 13 consideration to environmental justice in the goals, policies,
 14 projects and programs affecting the design and siting of capital
 15 facilities. The capital facilities element should include
 16 strategies for public buildings and facilities that promote the
 17 use of renewable energy sources and conserve energy and natural
 18 resources.

19 The capital facilities element shall incorporate planning
 20 approaches that help achieve statewide targets for reduction of
 21 greenhouse gas emissions and per capita vehicle miles travelled,
 22 promote development patterns and construction techniques that
 23 conserve energy and protect natural resources, and address
 24 natural hazards exacerbated by climate change including, but not
 25 limited to, sea level rise, flooding, wildfires, landslides, and
 26 drought.

27 (4) A utilities element consisting of the general location,
 28 proposed location, and capacity of all existing and proposed
 29 utilities, including, but not limited to, electrical lines,
 30 telecommunication lines, and natural gas lines, and including
 31 policies to promote the conservation of energy and natural
 32 resources and encourage the use of renewable energy sources.

33 (5) Rural element. Counties shall include a rural element
 34 including lands that are not designated for urban growth,
 35 agriculture, forest, or mineral resources. The following
 36 provisions shall apply to the rural element:

1 (a) Growth management act goals and local circumstances.
2 Because circumstances vary from county to county, in
3 establishing patterns of rural densities and uses, a county may
4 consider local circumstances, but shall develop a written record
5 explaining how the rural element harmonizes the planning goals
6 in RCW [36.70A.020](#) and meets the requirements of this chapter.

7 (b) Rural development. The rural element shall permit rural
8 development, forestry, and agriculture in rural areas. The rural
9 element shall provide for a variety of rural densities, uses,
10 essential public facilities, and rural governmental services
11 needed to serve the permitted densities and uses. To achieve a
12 variety of rural densities and uses, counties may provide for
13 clustering, density transfer, rural form-based codes, design
14 guidelines, conservation easements, and other innovative
15 techniques that will accommodate appropriate rural economic
16 advancement, densities, and uses that are not characterized by
17 urban growth and that are consistent with rural character.

18 (c) Measures governing rural development. The rural element
19 shall include measures that apply to rural development and
20 protect the rural character, of the area, as established by the
21 county, by:

22 (i) Containing or otherwise controlling rural development;

23 (ii) Assuring visual compatibility of rural development
24 with the surrounding rural area;

25 (iii) Reducing the inappropriate conversion of undeveloped
26 land into sprawling, low-density development in the rural area;

27 (iv) Protecting critical areas, as provided in RCW
28 [36.70A.060](#), and surface water and groundwater resources; and

29 (v) Protecting against conflicts with the use of
30 agricultural, forest, and mineral resource lands designated
31 under RCW [36.70A.170](#);

32 (vi) Facilitating rural economic development and
33 environmental stewardship partnerships between tribes and local
34 governments; and

35 (vii) Measures to reduce and mitigate the risk to life and
36 property of wildfires including but not limited to reduced
37 residential development on the wildland urban interface.

38 (d) Limited areas of more intensive rural development.
39 Subject to the requirements of this subsection and except as
40 otherwise specifically provided in this subsection (5) (d), the
41 rural element may allow for limited areas of more intensive
42 rural development, including necessary public facilities and
43 public services to serve the limited area as follows:

1 (i) Rural development consisting of the infill,
 2 development, or redevelopment of existing commercial,
 3 industrial, residential, or mixed-use areas, whether
 4 characterized as shoreline development, villages, hamlets, rural
 5 activity centers, or crossroads developments.

6 (A) A commercial, industrial, residential, shoreline, or
 7 mixed-use area are subject to the requirements of (d)(iv) of
 8 this subsection but are not subject to the requirements of
 9 (c)(ii) and (iii) of this subsection.

10 (B) Any development or redevelopment other than an
 11 industrial area or an industrial use within a mixed-use area or
 12 an industrial area under this subsection (5)(d)(i) must be
 13 principally designed to serve the existing and projected rural
 14 population.

15 (C) Any development or redevelopment in terms of building
 16 size, scale, ~~use, or intensity, character or form~~ shall be
 17 consistent with ~~the~~ existing rural character or the provisions
 18 of rural form-based code standards that are either locally
 19 adopted or are consistent with a state model ordinance. ~~of the~~
 20 ~~existing areas.~~ Development and redevelopment may include
 21 changes in use from vacant land or a previously existing use so
 22 long as the new use conforms to the requirements of this
 23 subsection (5);

24 (ii) The intensification of development on lots containing,
 25 or new development of, small-scale recreational or tourist uses,
 26 including commercial facilities to serve those recreational or
 27 tourist uses, that rely on a rural location and setting, but
 28 that do not include new residential development. A small-scale
 29 recreation or tourist use is not required to be principally
 30 designed to serve the existing and projected rural population.
 31 Public services and public facilities shall be limited to those
 32 necessary to serve the recreation or tourist use and shall be
 33 provided in a manner that does not permit low-density sprawl;

34 (iii) The intensification of development on lots containing
 35 isolated nonresidential uses or new development of isolated
 36 cottage industries and isolated small-scale businesses that are
 37 not principally designed to serve the existing and projected
 38 rural population and nonresidential uses but do provide job
 39 opportunities for rural residents. Rural counties may allow the
 40 expansion of small-scale businesses as long as those small-scale
 41 businesses conform with the rural character of the area as
 42 defined by the local government according to *RCW
 43 [36.70A.030](#)(16). Rural counties may also allow new small-scale

1 businesses to utilize a site previously occupied by an existing
 2 business as long as the new small-scale business conforms to the
 3 rural character of the area as defined by the local government
 4 according to *RCW [36.70A.030](#)(16). Public services and public
 5 facilities shall be limited to those necessary to serve the
 6 isolated nonresidential use and shall be provided in a manner
 7 that does not permit low-density sprawl;

8 (iv) A county shall adopt measures to minimize and contain
 9 the existing areas ~~or uses~~ of more intensive rural development,
 10 as appropriate, authorized under this subsection. **Except as**
 11 **provided in subsection (v)**, lands included in such existing
 12 areas ~~or uses~~ shall not extend beyond the logical outer boundary
 13 of the existing area ~~or use~~, thereby allowing a new pattern of
 14 low-density sprawl. Existing areas are those that are clearly
 15 identifiable and contained and where there is a logical boundary
 16 delineated predominately by the built environment, but that may
 17 also include undeveloped lands if limited as provided in this
 18 subsection. The county shall establish the logical outer
 19 boundary of an area of more intensive rural development. In
 20 establishing the logical outer boundary, the county shall
 21 address (A) the need to preserve the character of existing
 22 natural neighborhoods and communities, (B) physical boundaries,
 23 such as bodies of water, streets and highways, and land forms
 24 and contours, and(C) the prevention of abnormally irregular
 25 boundaries.

26 (v) **For rural counties only, limited ability to expand the**
 27 **logical outer boundary is permitted if: (A) future development**
 28 **or redevelopment in the local area of more intensive rural**
 29 **development is subject to rural form-based development**
 30 **regulations; and (B) such expansion is required to address a**
 31 **threat to human or environmental health and (C) the funding of**
 32 **required utility system improvements or expansion is beyond the**
 33 **capacity of existing ratepayers to reasonably accommodate** and
 34 does not permit low-density sprawl;

35 ~~(v)~~ (vi) For purposes of (d) of this subsection, an
 36 existing area ~~or existing use~~ is one that was in existence:

37 (A) On July 1, 1990 in a county that was initially required
 38 to plan under all of the provisions of this chapter;

39 (B) On the date the county adopted a resolution under RCW
 40 [36.70A.040](#)(2), in a county that is planning under all of the
 41 provisions of this chapter under RCW [36.70A.040](#)(2); or

1 (C) On the date the office of financial management
 2 certifies the county's population as provided in RCW
 3 [36.70A.040](#)(5), in a county that is planning under all of the
 4 provisions of this chapter pursuant to RCW [36.70A.040](#)(5).

5 (e) Exception. This subsection shall not be interpreted to
 6 permit in the rural area a major industrial development or a
 7 master planned resort unless otherwise specifically permitted
 8 under RCW [36.70A.360](#) and [36.70A.365](#).

9 (6) A transportation element that implements, and is
 10 consistent with, the land use element.

11 (a) The transportation element shall include the following
 12 subelements:

13 (i) Land use assumptions used in estimating travel;

14 (ii) Estimated traffic impacts to state-owned
 15 transportation facilities resulting from land use assumptions to
 16 assist ~~the department of transportation~~ in monitoring the
 17 performance of state facilities, to plan improvements for the
 18 facilities, and to assess the impact of land-use decisions on
 19 state-owned transportation facilities;

20 (iii) Facilities and services needs, including:

21 (A) An inventory of air, water, and ground transportation
 22 facilities and services, including transit alignments, ~~pedestrian~~
 23 ~~and bicycle facilities~~, and general aviation airport facilities,
 24 to define existing capital facilities and travel levels ~~as a~~
 25 ~~basis for to inform~~ future planning. This inventory must include
 26 state-owned transportation facilities within the city or
 27 county's jurisdictional boundaries;

28 (B) Level of service standards for all locally owned
 29 arterials, ~~pedestrian and bicycle facilities~~, and transit routes
 30 to serve as a gauge to judge performance of the system. These
 31 standards should be regionally coordinated;

32 (C) For state-owned transportation facilities, level of
 33 service standards for highways, as prescribed in
 34 chapters [47.06](#) and [47.80](#) RCW, to gauge the performance of the
 35 system. The purposes of reflecting level of service standards
 36 for state highways in the local comprehensive plan are to
 37 monitor the performance of the system, to evaluate improvement
 38 strategies, and to facilitate coordination between the county's
 39 or city's six-year street, road, ~~pedestrian, bicycle~~, or transit
 40 program and the office of financial management's ten-year
 41 investment program. The concurrency requirements of (b) of this
 42 subsection do not apply to transportation facilities and
 43 services of statewide significance except for counties
 44 consisting of islands whose only connection to the mainland are
 45 state highways or ferry routes. In these island counties, state
 46 highways and ferry route capacity must be a factor in meeting
 47 the concurrency requirements in (b) of this subsection;

1 (D) Specific actions and requirements for bringing into
2 compliance locally owned transportation facilities or services
3 that are below an established level of service standard;

4 (E) Forecasts of ~~multimodal transportation demand traffic~~
5 for at least ten years based on the adopted land use plan to
6 ~~inform the development of a transportation element that balances~~
7 ~~transportation system safety and convenience to accommodate all~~
8 ~~users of the transportation system safely, reliably, and~~
9 ~~efficiently provide access and mobility to people and goods~~
10 ~~provide information on the location, timing, and capacity needs~~
11 ~~of future growth;~~

12 (F) Identification of state and local system needs to meet
13 current and future demands. Identified needs on state-owned
14 transportation facilities must be consistent with the statewide
15 multimodal transportation plan required under
16 chapter 47.06 RCW; ~~Local system needs should reflect the~~
17 ~~regional transportation system, local goals, and strive to~~
18 ~~equitably implement the multimodal network. Local system needs~~
19 ~~should also include fish passage barriers identified on the~~
20 ~~local transportation system;~~

21 ~~The transportation element shall incorporate planning~~
22 ~~approaches that help achieve statewide targets for reduction of~~
23 ~~greenhouse gas emissions and per capita vehicle miles travelled,~~
24 ~~promote development patterns and construction techniques that~~
25 ~~conserve energy and protect natural resources, and address~~
26 ~~natural hazards exacerbated by climate change including, but not~~
27 ~~limited to, sea level rise, flooding, wildfires, landslides, and~~
28 ~~drought.~~

29 (iv) Finance, including:

30 (A) An analysis of funding capability to judge needs
31 against probable funding resources;

32 (B) A multiyear financing plan based on the needs
33 identified in the comprehensive plan, the appropriate parts of
34 which shall serve as the basis for the six-year street, road, or
35 transit program required by RCW 35.77.010 for cities,

1 RCW 36.81.121 for counties, and RCW 35.58.2795 for public
 2 transportation systems. The multiyear financing plan should be
 3 coordinated with the ten-year investment program developed by
 4 the office of financial management as required by
 5 RCW 47.05.030;

6 (C) If probable funding falls short of meeting the
 7 identified needs of the transportation system, a discussion of
 8 how additional funding will be raised, or how land use
 9 assumptions will be reassessed to ensure that level of service
 10 standards will be met;

11 (v) Intergovernmental coordination efforts, including an
 12 assessment of the impacts of the transportation plan and land
 13 use assumptions on the transportation systems of adjacent
 14 jurisdictions;

15 (vi) Demand-management strategies including an assessment
 16 of methods and techniques for reducing per capita vehicle miles
 17 travelled;

18 (vii) Pedestrian and bicycle component to include
 19 collaborative efforts to identify and designate planned
 20 improvements for pedestrian and bicycle facilities and corridors
 21 that address and encourage enhanced community access, ~~and~~
 22 promote healthy lifestyles, and increase the percentage of non-
 23 motorized trips.

24 (b) After adoption of the comprehensive plan by
 25 jurisdictions required to plan or who choose to plan under
 26 RCW 36.70A.040, local jurisdictions must adopt and enforce
 27 ordinances which prohibit development approval if the
 28 development causes the level of service on a locally owned
 29 transportation facility to decline below the standards adopted
 30 in the transportation element of the comprehensive plan, unless
 31 transportation improvements or strategies to accommodate the
 32 impacts of development are made concurrent with the development.
 33 These strategies may include pedestrian and bicycle system
 34 improvements, increased or enhanced public transportation
 35 service, ride-sharing programs, demand management, and other

1 transportation systems management strategies. For the purposes
 2 of this subsection (6), "concurrent with the development" means
 3 that improvements or strategies are in place at the time of
 4 development, or that a financial commitment is in place to
 5 complete the improvements or strategies within six years. If the
 6 collection of impact fees is delayed under RCW 82.02.050(3),
 7 the six-year period required by this subsection (6)(b) must
 8 begin after full payment of all impact fees is due to the county
 9 or city.

10 (c) The transportation element described in this subsection
 11 (6), the six-year plans required by RCW 35.77.010 for cities,
 12 RCW 36.81.121 for counties, and RCW 35.58.2795 for public
 13 transportation systems, and the ten-year investment program
 14 required by RCW 47.05.030 for the state, must be consistent.

15
 16 **NEW** Sec. 7. Comprehensive plans - Implementation

17 By no later than November 30, 2021, and annually thereafter, the
 18 legislative body of each county and city planning under RCW 36.70A.040
 19 shall develop and annually maintain a comprehensive plan
 20 implementation work program. The work program shall specify the
 21 priorities, tasks, schedule, and planning commission or planning board
 22 agenda time needed to enable the legislative body to implement the
 23 identified portions of the comprehensive plan in the coming year(s).
 24 Sufficient funds to support the locally adopted work program shall be
 25 allocated by the county and city legislative authorities in their
 26 annual or biannual operating budgets.

27 **Sec. 8. Comprehensive plans - optional elements**

28 RCW 36.70A.080 are amended to read as follows:

29 (1) A comprehensive plan may include additional elements,
 30 items, or studies dealing with other subjects relating to the
 31 physical development within its jurisdiction, including, but not
 32 limited to:

- 33 (a) Conservation;
 34 (b) Solar energy; and

1 (c) Recreation.

2 (2) A comprehensive plan may include, where appropriate,
3 subarea plans, each of which is consistent with the
4 comprehensive plan.

5 (3) Counties and cities may develop and, through an
6 interlocal agreement with a tribe, adopt a joint subarea plan
7 with the tribe for all or a portion of an Indian reservation or
8 land adjacent to an Indian Reservation.

9 (3)-(4) (a) Cities that qualify as a receiving city may
10 adopt a comprehensive plan element and associated development
11 regulations that apply within receiving areas under
12 chapter 39.108 RCW.

13 (b) For purposes of this subsection, the terms "receiving
14 city" and "receiving area" have the same meanings as provided in
15 RCW 39.108.010.

16 **Sec. 9. Comprehensive plans - Innovative techniques**

17 RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each amended to
18 read as follows:

19 A comprehensive plan should ~~provide for~~ be implemented by
20 innovative land use management techniques, including, but not
21 limited to, density bonuses, cluster housing, form-based codes,
22 middle housing, planned unit developments, and the transfer of
23 development rights.

24 **Sec. 10. Development regulations for middle housing**

25 RCW 36.70A.095 - By no later than September 1, 2022, urban
26 counties, and the cities within those counties, which have an
27 affordable housing gap, shall amend their development regulations
28 to allow middle housing in at least 80% of the land area zoned for
29 single-family homes. The percentage of such land area in which
30 middle housing shall be required for any jurisdiction may
31 subsequently be adjusted by countywide or multicounty planning
32 policies, provided that the result of such adjustment does not

1 reduce below 80% the cumulative countywide percentage of land area
2 designated for middle housing.

3 If adopted by September 1, 2022, ordinances or amendments to
4 development regulations and other nonproject actions taken by a
5 city or county to implement the actions identified in this section,
6 are not subject to administrative or judicial appeal under chapter
7 43.21C RCW.

8 **Section 11. Comprehensive plans - Urban growth areas**

9 **RCW 36.70A.110 is amended to read as follows:**

10 (1) Each county that is required or chooses to plan under
11 RCW 36.70A.040 shall designate an urban growth area or areas
12 within which urban growth shall be encouraged and outside of
13 which growth can occur only if it is not urban in nature. Each
14 city that is located in such a county shall be included within
15 an urban growth area. An urban growth area may include more than
16 a single city. An urban growth area may include territory that
17 is located outside of a city only if such territory already is
18 characterized by urban growth whether or not the urban growth
19 area includes a city, or is adjacent to territory already
20 characterized by urban growth, or is a designated new fully
21 contained community as defined by RCW 36.70A.350.

22 (2) Based upon the growth management population projection
23 made for the county by the office of financial management, the
24 county and each city within the county shall include areas and
25 densities sufficient to permit the urban growth that is
26 projected to occur in the county or city for the succeeding
27 twenty-year period, except for those urban growth areas
28 contained totally within a national historical reserve. As part
29 of this planning process, each city within the county must
30 include areas sufficient to accommodate the broad range of needs
31 and uses that will accompany the projected urban growth
32 including, as appropriate, medical, governmental, institutional,
33 commercial, service, retail, and other nonresidential uses.

34 Each urban growth area shall permit urban densities and
35 shall include greenbelt and open space areas. In the case of
36 urban growth areas contained totally within a national
37 historical reserve, the city may restrict densities,
38 intensities, and forms of urban growth as determined to be
39 necessary and appropriate to protect the physical, cultural, or
40 historic integrity of the reserve. An urban growth area
41 determination may include a reasonable land market supply factor
42 and shall permit a range of urban densities and uses. In
43 determining this market factor, cities and counties may consider

1 local circumstances. Cities and counties have discretion in
2 their comprehensive plans to make many choices about
3 accommodating growth.

4 Within one year of July 1, 1990, each county that as of
5 June 1, 1991, was required or chose to plan under
6 RCW 36.70A.040, shall begin consulting with each city located
7 within its boundaries and each city shall propose the location
8 of an urban growth area. Within sixty days of the date the
9 county legislative authority of a county adopts its resolution
10 of intention or of certification by the office of financial
11 management, all other counties that are required or choose to
12 plan under RCW 36.70A.040 shall begin this consultation with
13 each city located within its boundaries. The county shall
14 attempt to reach agreement with each city on the location of an
15 urban growth area within which the city is located. If such an
16 agreement is not reached with each city located within the urban
17 growth area, the county shall justify in writing why it so
18 designated the area an urban growth area. A city may object
19 formally with the department over the designation of the urban
20 growth area within which it is located. Where appropriate, the
21 department shall attempt to resolve the conflicts, including the
22 use of mediation services.

23 (3) Urban growth should be located first in areas already
24 characterized by urban growth that have adequate existing public
25 facility and service capacities to serve such development,
26 second in areas already characterized by urban growth that will
27 be served adequately by a combination of both existing public
28 facilities and services and any additional needed public
29 facilities and services that are provided by either public or
30 private sources, and third in the remaining portions of the
31 urban growth areas. Urban growth may also be located in
32 designated new fully contained communities as defined by
33 RCW 36.70A.350.

34 (4) In general, cities are the units of local government
35 most appropriate to provide urban governmental services. In
36 general, it is not appropriate that urban governmental services
37 be extended to or expanded in rural areas except in those
38 limited circumstances shown to be necessary to protect basic
39 public health and safety and the environment and when such
40 services are financially supportable at rural densities and do
41 not permit urban development.

42 (5) On or before October 1, 1993, each county that was
43 initially required to plan under RCW 36.70A.040(1) shall adopt
44 development regulations designating interim urban growth areas
45 under this chapter. Within three years and three months of the
46 date the county legislative authority of a county adopts its
47 resolution of intention or of certification by the office of

1 financial management, all other counties that are required or
 2 choose to plan under RCW 36.70A.040 shall adopt development
 3 regulations designating interim urban growth areas under this
 4 chapter. Adoption of the interim urban growth areas may only
 5 occur after public notice; public hearing; and compliance with
 6 the state environmental policy act, chapter 43.21C RCW, and
 7 under this section. Such action may be appealed to the growth
 8 management hearings board under RCW 36.70A.280. Final urban
 9 growth areas shall be adopted at the time of comprehensive plan
 10 adoption under this chapter.

11 (6) Each county shall include designations of urban growth
 12 areas in its comprehensive plan.

13 (7) An urban growth area designated in accordance with this
 14 section may include within its boundaries urban service areas or
 15 potential annexation areas designated for specific cities or
 16 towns within the county.

17 ~~(8)~~ (a) Except as provided in (b) of this subsection, the
 18 expansion of an urban growth area is prohibited into ~~the one~~
 19 ~~hundred year floodplain of any lahar hazard area, tsunami~~
 20 ~~inundation zone, or~~ the one hundred year flood plain of any
 21 river or river segment that: ~~(i) is located west of the crest of~~
 22 ~~the Cascade mountains; and (ii)~~ has a mean annual flow of one
 23 thousand or more cubic feet per second as determined by the
 24 department of ecology.

25 (b) Subsection (8)(a) of this section does not apply to:

26 (i) Urban growth areas that are fully contained within a
 27 floodplain and lack adjacent buildable areas outside the
 28 floodplain;

29 (ii) Urban growth areas where expansions are precluded
 30 outside floodplains because:

31 (A) Urban governmental services cannot be physically
 32 provided to serve areas outside the floodplain; or

33 (B) Expansions outside the floodplain would require a river
 34 or estuary crossing to access the expansion; or

35 (iii) Urban growth area expansions where:

36 (A) Public facilities already exist within the floodplain
 37 and the expansion of an existing public facility is only
 38 possible on the land to be included in the urban growth area and
 39 located within the floodplain; or

40 (B) Urban development already exists within a floodplain as
 41 of July 26, 2009, and is adjacent to, but outside of, the urban
 42 growth area, and the expansion of the urban growth area is

1 necessary to include such urban development within the urban
2 growth area; or

3 (C) The land is owned by a jurisdiction planning under this
4 chapter or the rights to the development of the land have been
5 permanently extinguished, and the following criteria are met:

6 (I) The permissible use of the land is limited to one of
7 the following: Outdoor recreation; environmentally beneficial
8 projects, including but not limited to habitat enhancement or
9 environmental restoration; stormwater facilities; flood control
10 facilities; or underground conveyances; and

11 (II) The development and use of such facilities or projects
12 will not decrease flood storage, increase stormwater runoff,
13 discharge pollutants to fresh or salt waters during normal
14 operations or floods, or increase hazards to people and
15 property.

16 (c) For the purposes of this subsection (8), "one hundred
17 year floodplain" means the same as "special flood hazard area"
18 as set forth in WAC 173-158-040, ~~as it exists on July 26, 2009.~~

19 (9) If a county, city, or utility has adopted a capital
20 facility plan or utilities element to provide sewer service
21 within the urban growth areas during the twenty-year planning
22 period, nothing in this chapter obligates counties, cities, or
23 utilities to install sanitary sewer systems to properties within
24 urban growth areas designated under subsection (2) of this
25 section by the end of the twenty-year planning period when those
26 properties:

27 (a)(i) Have existing, functioning, nonpolluting on-site
28 sewage systems;

29 (ii) Have a periodic inspection program by a public agency
30 to verify the on-site sewage systems function properly and do
31 not pollute surface or groundwater; and

32 (iii) Have no redevelopment capacity; or

33 (b) Do not require sewer service because development
34 densities are limited due to wetlands, flood plains, fish and
35 wildlife habitats, or geological hazards.

36 **Sec. 12. Comprehensive plans—Review procedures and schedules—**
37 **Amendments.**

38 RCW 36.70A.130 is amended to read as follows:

39 (1)(a) Each comprehensive land use plan and development
40 regulations shall be subject to continuing review and evaluation
41 by the county or city that adopted them. Except as otherwise
42 provided, a county or city shall take legislative action to
43 review and, if needed, revise its comprehensive land use plan
44 and development regulations to ensure the plan and regulations
45 comply with the requirements of this chapter according to the
46 deadlines in subsections (4) and (5) of this section.

1 (b) Except as otherwise provided, a county or city not
2 planning under RCW 36.70A.040 shall take action to review and,
3 if needed, revise its policies and development regulations
4 regarding critical areas and natural resource lands adopted
5 according to this chapter to ensure these policies and
6 regulations comply with the requirements of this chapter
7 according to the deadlines in subsections (4) and (5) of this
8 section. Legislative action means the adoption of a resolution
9 or ordinance following notice and a public hearing indicating at
10 a minimum, a finding that a review and evaluation has occurred
11 and identifying the revisions made, or that a revision was not
12 needed and the reasons therefor.

13 (c) The review and evaluation required by this subsection
14 shall include, but is not limited to, consideration of critical
15 area ordinances and, if planning under RCW 36.70A.040, an
16 analysis of the population allocated to a city or county from
17 the most recent ten-year population forecast by the office of
18 financial management.

19 (d) Any amendment of or revision to a comprehensive land
20 use plan shall conform to this chapter. Any amendment of or
21 revision to development regulations shall be consistent with and
22 implement the comprehensive plan.

23 (2) (a) Each county and city shall establish and broadly
24 disseminate to the public a public participation program
25 consistent with RCW 36.70A.035 and 36.70A.140 that identifies
26 procedures and schedules whereby updates, proposed amendments,
27 or revisions of the comprehensive plan are considered by the
28 governing body of the county or city no more frequently than
29 once every year. "Updates" means to review and revise, if
30 needed, according to subsection (1) of this section, and the
31 deadlines in subsections (4) and (5) of this section or in
32 accordance with the provisions of subsection (6) of this
33 section. Amendments may be considered more frequently than once
34 per year under the following circumstances:

35 (i) The initial adoption of a subarea plan. Subarea plans
36 adopted under this subsection (2) (a) (i) must clarify,
37 supplement, or implement jurisdiction-wide comprehensive plan
38 policies, and may only be adopted if the cumulative impacts of
39 the proposed plan are addressed by appropriate environmental
40 review under chapter 43.21C RCW;

41 (ii) The development of an initial subarea plan for
42 economic development located outside of the one hundred year
43 floodplain in a county that has completed a state-funded pilot
44 project that is based on watershed characterization and local
45 habitat assessment;

46 (iii) The adoption or amendment of a shoreline master
47 program under the procedures set forth in chapter 90.58 RCW;

1 (iv) The amendment of the capital facilities element of a
2 comprehensive plan that occurs concurrently with the adoption or
3 amendment of a county or city budget; or

4 (v) The adoption of comprehensive plan amendments necessary
5 to enact a planned action under RCW 43.21C.440, provided that
6 amendments are considered in accordance with the public
7 participation program established by the county or city under
8 this subsection (2) (a) and all persons who have requested notice
9 of a comprehensive plan update are given notice of the
10 amendments and an opportunity to comment.

11 (b) Except as otherwise provided in (a) of this subsection,
12 all proposals shall be considered by the governing body
13 concurrently so the cumulative effect of the various proposals
14 can be ascertained. However, after appropriate public
15 participation a county or city may adopt amendments or revisions
16 to its comprehensive plan that conform with this chapter
17 whenever an emergency exists or to resolve an appeal of a
18 comprehensive plan filed with the growth management hearings
19 board or with the court.

20 (3) (a) Each county that designates urban growth areas under
21 RCW 36.70A.110 shall review, according to the schedules
22 established in subsections (4) and (5) of this section, its
23 designated urban growth area or areas, and the densities
24 permitted within both the incorporated and unincorporated
25 portions of each urban growth area. In conjunction with this
26 review by the county, each city located within an urban growth
27 area shall review the densities permitted within its boundaries,
28 and the extent to which the urban growth occurring within the
29 county has located within each city and the unincorporated
30 portions of the urban growth areas.

31 (b) The county comprehensive plan designating urban growth
32 areas, and the densities permitted in the urban growth areas by
33 the comprehensive plans of the county and each city located
34 within the urban growth areas, shall be revised to accommodate
35 the urban growth projected to occur in the county for the
36 succeeding twenty-year period. The review required by this
37 subsection may be combined with the review and evaluation
38 required by RCW 36.70A.215.

39
40 (4) **Cycle for updating comprehensive plans.** Except as
41 otherwise provided in subsections below, counties and cities
42 shall take action to review and, if needed, revise their
43 comprehensive plans and development regulations to ensure the
44 plan and regulations comply with the requirements of this
45 chapter as follows:

1 (a) On or before June 30, 2024, and for every ~~eight~~ ten
 2 years thereafter, for King, Pierce, Kitsap, ~~and~~ Snohomish,
 3 counties and the cities within those counties;

4 (b) On or before June 30, 2025, and for every ~~eight~~ ten
 5 years thereafter for Whatcom, Thurston, Clark, Spokane, Benton,
 6 and Franklin counties and the cities within those counties;

7 ~~(b)~~ (c) On or before June 30, 2025 2026, and for every ~~eight~~
 8 ten years thereafter for Clallam, Island, Jefferson, Mason, San
 9 Juan, ~~and~~ Skagit counties and the cities within those counties;

10 ~~(e)~~ (d) On or before June 30, 2026 2027, and for every ~~eight~~
 11 ten years thereafter for Chelan, Cowlitz, Douglas, Kittitas,
 12 Lewis, Skamania, and Yakima counties and the cities within those
 13 counties; and

14 ~~(d)~~ (e) On or before June 30, 2027 2028, and for every ~~eight~~
 15 ten years thereafter for Adams, Asotin, Columbia, Ferry,
 16 Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan,
 17 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
 18 Whitman counties and the cities within those counties.

19 (5) Mid-cycle assessment and potential adaptive action
 20 required for urban counties and their cities.

21 At the mid-point of the 10-year plan update cycles identified in
 22 subsections (4) (a) and (4) (b), urban counties and their cities,
 23 shall report to the department the progress they have achieved
 24 in ~~implementing~~ state goals regarding climate change (RCW
 25 36.70A.020(16), housing (RCW 36.70A.020(4), environmental
 26 justice (RCW 36.70A.020(12), and permit timelines (RCW 36.70B).

27 The department will adopt by administrative rule indicators,
 28 milestones and criteria to determine compliance with this
 29 chapter. If the department determines that insufficient progress
 30 has been achieved, it may provide direction and a timeline for a
 31 city or county to take legislative action needed to come into
 32 compliance with this chapter.

1 (6) (a) Nothing in this section precludes a county or city
2 from conducting the review and evaluation required by this
3 section before the deadlines established in subsections (4) of
4 this section. Counties and cities may begin this process early
5 and may be eligible for grants from the department, subject to
6 available funding, if they elect to do so.

7

8 **Sec. 13. Public participation requirements**

9 RCW 36.70A.140 is amended to read as follows:

10 Each county and city that is required or chooses to plan
11 under RCW 36.70A.040 shall establish and broadly disseminate to
12 the public a public participation program identifying procedures
13 providing for early and continuous public participation in the
14 development and amendment of comprehensive land use plans and
15 development regulations implementing such plans. The department
16 shall prepare and disseminate to all local governments best
17 practices to achieve equitable and inclusive citizen
18 participation in order to engage those members of the public and
19 populations who have historically been underserved and under-
20 represented in the formulation of public policy. By no later
21 than June 30, 2022, counties and cities shall incorporate such
22 practices in updated public participation programs. The
23 procedures shall provide for broad dissemination of proposals
24 and alternatives, opportunity for written comments, public
25 meetings after effective notice, provision for open discussion,
26 communication programs, information services, and consideration
27 of and response to public comments. In enacting legislation in
28 response to the board's decision pursuant to RCW 36.70A.300
29 declaring part or all of a comprehensive plan or development
30 regulation invalid, the county or city shall provide for public
31 participation that is appropriate and effective under the
32 circumstances presented by the board's order. Errors in exact

1 compliance with the established program and procedures shall not
2 render the comprehensive land use plan or development
3 regulations invalid if the spirit of the program and procedures
4 is observed.

5 **Sec. 14. Critical areas and resource lands designation**

6 RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each amended
7 to read as follows:

8 (1) On or before September 1, 1991, each county, and each city,
9 shall designate where appropriate:

10 (a) Agricultural lands that are not already characterized by
11 urban growth and that have long-term significance for the
12 commercial production of food or other agricultural products;

13 (b) Forestlands that are not already characterized by urban
14 growth and that have long-term significance for the commercial
15 production of timber;

16 (c) Mineral resource lands that are not already characterized
17 by urban growth and that have long-term significance for the
18 extraction of minerals; and

19 (d) Critical areas.

20 (2) In making the designations required by this section,
21 counties and cities shall consider the guidelines established
22 pursuant to RCW 36.70A.050 and ecosystem data and science
23 maintained by the Puget Sound Partnership. RCW 90.71.300.

24 **Sec. 15. Countywide planning policies**

25 RCW 36.70A.210 is amended to read as follows:

26 (1) The legislature recognizes that counties are regional
27 governments within their boundaries, and cities are primary
28 providers of urban governmental services within urban growth
29 areas. For the purposes of this section, a "countywide planning
30 policy" is a written policy statement or statements used solely
31 for establishing a countywide framework from which county and
32 city comprehensive plans are developed and adopted pursuant to
33 this chapter. This framework shall ensure that city and county
34 comprehensive plans are consistent as required in RCW
35 36.70A.100. Nothing in this section shall be construed to alter
36 the land-use powers of cities.

37 (2) The legislative authority of a county that plans under
38 RCW 36.70A.040 shall adopt a countywide planning policy in
39 cooperation with the cities located in whole or in part within
40 the county as follows:

1 (a) No later than ~~twenty four months prior to the target~~
2 ~~date for the adoption updating~~ of comprehensive plans pursuant
3 to RCW 36.70A.130, ~~sixty calendar days from July 16, 1991,~~ the
4 legislative authority of each county that ~~as of June 1, 1991,~~
5 was required or chose to plan under RCW [36.70A.040](#) shall convene
6 a meeting with representatives of each city ~~and tribe~~ located
7 within the county for the purpose of ~~updating establishing~~ a
8 collaborative process that will provide a framework for the
9 adoption of a ~~updated~~ countywide planning ~~policy policies.~~ ~~In~~
10 ~~other counties that are required or choose to plan under RCW~~
11 ~~36.70A.040,~~ this meeting shall be convened no later than ~~sixty~~
12 ~~days after the date the county adopts its resolution of~~
13 ~~intention or was certified by the office of financial~~
14 ~~management.~~

15 (b) The process and framework for adoption of a countywide
16 planning policy specified in (a) of this subsection shall
17 determine the manner in which the county, ~~tribes~~ and ~~the~~ cities
18 agree to all procedures and provisions including but not limited
19 to desired planning policies, deadlines, ratification of final
20 agreements and demonstration thereof, and financing, if any, of
21 all activities associated therewith.

22 (c) If a county fails for any reason to convene a meeting
23 with representatives of ~~tribes and~~ cities as required in (a) of
24 this subsection, the governor may immediately impose any
25 appropriate sanction or sanctions on the county from those
26 specified under RCW [36.70A.340](#).

27 (d) If there is no agreement by the dates established in
28 (c) above, ~~October 1, 1991, in a county that was required or~~
29 ~~chose to plan under RCW 36.70A.040 as of June 1, 1991, or if~~
30 ~~there is no agreement within one hundred twenty days of the date~~
31 ~~the county adopted its resolution of intention or was certified~~
32 ~~by the office of financial management in any other county that~~

1 ~~is required or chooses to plan under RCW [36.70A.040](#),~~ the
 2 governor shall first inquire of the jurisdictions as to the
 3 reason or reasons for failure to reach an agreement. If the
 4 governor deems it appropriate, the governor may immediately
 5 request the assistance of the department ~~of community, trade,~~
 6 ~~and economic development~~ to mediate any disputes that preclude
 7 agreement. If mediation is unsuccessful in resolving all
 8 disputes that will lead to agreement, the governor may impose
 9 appropriate sanctions from those specified under RCW [36.70A.340](#)
 10 on the county, city, or cities for failure to reach an agreement
 11 as provided in this section. The governor shall specify the
 12 reason or reasons for the imposition of any sanction.

13 (e) ~~No later than twelve months July 1, 1992, the~~
 14 ~~legislative authority of each county that was required or chose~~
 15 ~~to plan under RCW [36.70A.040](#) as of June 1, 1991, or no later~~
 16 ~~than fourteen months after the date the county adopted its~~
 17 ~~resolution of intention or was certified by the office of~~
 18 ~~financial management the county legislative authority of any~~
 19 ~~other county that is required or chooses to plan under RCW~~
 20 ~~[36.70A.040](#), prior to the date established in (a) above, the~~
 21 ~~legislative body of the county~~ shall adopt ~~an updated~~ countywide
 22 planning policy according to the process provided under this
 23 section and that is consistent with the agreement pursuant to
 24 (b) of this subsection, and after holding a public hearing or
 25 hearings on the proposed countywide planning policy.

26 (3) ~~An updated~~ countywide planning policy shall at a
 27 minimum, address the following:

28 (a) Policies to implement RCW [36.70A.110](#);

29 (b) Policies for promotion of contiguous and orderly
 30 development and provision of urban services to such development;

31 (c) Policies for siting public capital facilities of a
 32 countywide or statewide nature, including transportation

1 facilities of statewide significance as defined in RCW

2 [47.06.140](#);

3 (d) Policies for countywide transportation facilities and
4 strategies;

5 (e) Policies that consider the need for affordable housing,
6 such as housing for all economic segments of the population and
7 parameters for its distribution;

8 (f) Policies for joint county and city planning within
9 urban growth areas;

10 (g) Policies for countywide economic development and
11 employment, which must include consideration of the future
12 development of commercial and industrial facilities;

13 ~~(h)~~ For counties in the Puget Sound Region, policies to
14 encourage consistency with and implementation of the Puget Sound
15 Action Agenda.

16 ~~(h)(i)~~ An analysis of the fiscal impact.

17 (4) Federal agencies and Indian tribes ~~may~~ shall be invited
18 to participate in and cooperate with the countywide planning
19 policy adoption process.

20 (5) Adopted countywide planning policies shall be adhered
21 to by state agencies.

22 ~~(5)(6)~~ Failure to adopt a countywide planning policy that
23 meets the requirements of this section may result in the
24 imposition of a sanction or sanctions on a county or city within
25 the county, as specified in RCW [36.70A.340](#). In imposing a
26 sanction or sanctions, the governor shall specify the reasons
27 for failure to adopt a countywide planning policy in order that
28 any imposed sanction or sanctions are fairly and equitably
29 related to the failure to adopt a countywide planning policy.

30 ~~(6)(7)~~ Cities, ~~tribes~~, and the governor may appeal an
31 adopted countywide planning policy to the growth management

1 hearings board within sixty days of the adoption of the
2 countywide planning policy.

3 ~~(7)-(9)~~ Multicounty planning policies shall be adopted by
4 two or more counties, each with a population of four hundred
5 fifty thousand or more, with contiguous urban areas and may be
6 adopted by other counties, according to the process established
7 under this section or other processes agreed to among the
8 counties and cities within the affected counties throughout the
9 multicounty region.

10 Sec. 14. ~~Project Development permit~~ review and docketing
11 RCW 36.70A.470 and 1995 c 347 s 102 are each amended to read
12 as follows:

13 (1) Project review, which shall be conducted pursuant to the
14 provisions of chapter 36.70B RCW, shall be used to make individual
15 ~~project development permit~~ decisions, not ~~legislative~~ land use
16 planning decisions ~~such as adoption or amendment of comprehensive~~
17 ~~plans or development regulations~~. If, during ~~project~~ review ~~of a~~
18 ~~development permit application~~, a county or city planning under
19 RCW 36.70A.040 identifies deficiencies in plans or regulations:

20 (a) The permitting process shall not be used as a comprehensive
21 planning process;

22 (b) Project review shall continue; and

23 (c) The identified deficiencies shall be docketed for possible
24 future plan or development regulation amendments.

25 ~~(2)~~ ~~Decisional criteria used to approve, deny, or condition a~~
26 ~~development permit application must be codified in a development~~
27 ~~regulation. Consistency with goals or policies in a comprehensive~~
28 ~~plan may not be applied as decisional criteria for a development~~
29 ~~permit application.~~

30 (3) ~~The final decision-maker on a development permit~~
31 ~~application, or any appeal thereof, shall be an administrative~~

1 officer or hearing examiner authorized by RCW 35A.63.170, RCW
2 35.63.130, RCW 70.970, or RCW 58.17.330, not the legislative body
3 of a county or city.

4 ~~(2)~~ (4) Each county and city planning under RCW 36.70A.040 shall
5 include in its development regulations a procedure for any
6 interested person, including applicants, citizens, hearing
7 examiners, and staff of other agencies, to suggest plan or
8 development regulation amendments. The suggested amendments shall
9 be docketed and considered on at least an annual basis, consistent
10 with the provisions of RCW 36.70A.130.

11 ~~(3)~~ (5) For purposes of this section, a deficiency in a
12 comprehensive plan or development regulation refers to the absence
13 of required or potentially desirable contents of a comprehensive
14 plan or development regulation. It does not refer to whether a
15 development regulation addresses a project's probable specific
16 adverse environmental impacts which the permitting agency could
17 mitigate in the normal project review process.

18 ~~(4)~~ (6) For purposes of this section, docketing refers to
19 compiling and maintaining a list of suggested changes to the
20 comprehensive plan or development regulations in a manner that
21 will ensure such suggested changes will be considered by the county
22 or city and will be available for review by the public.
23

24 Sec. 16. RCW 58.115 - Prohibition on certain plat restrictions
25 After June 30, 2021, no condition, restriction, or covenant may be
26 placed on a plat that would interfere with any current or future
27 land use, density, or development standards adopted by the
28 legislative body of the county or city.

29
30 **NEW** Sec. 17. - Safe Harbors

31
32 A new section is added to RCW 36.70A to read as follows:

1
2 (1) For certain countywide planning policy, comprehensive plan
3 and development regulations specified in this section, counties
4 and cities ^{must} apply for a determination of compliance from the
5 department finding that the action is in compliance with the
6 requirements of RCW 36.70A and RCW 43.21c and the applicable
7 rules.

8 (2) Matters subject to review. Counties and cities must submit
9 the following actions to the department for approval under this
10 subsection:

11 (a) Development of or amendments to the housing element;

12 (b) Development of or amendments to comprehensive plan or
13 development regulations designating or protecting critical
14 areas;

15 (c) Development of or amendments to comprehensive plan or
16 development regulations to designate or assure the conservation
17 of resource lands;

18 (c) Development of or amendments to countywide planning policy,
19 comprehensive plan or development regulation amendments that
20 change the urban growth area;

21 (d) Countywide planning policy, comprehensive plan or
22 development regulation amendments that govern the siting of
23 essential public facilities.

24 (e) findings of noncompliance referred to the department by the
25 Growth Management Hearings Board under RCW 36.70A.330.

26 (3) The department must approve, conditionally approve, or deny
27 the application for a determination of compliance within one
28 hundred twenty days of its receipt.

29 (a) A petition for review of a determination of compliance may
30 only be appealed to the growth management hearings board within
31 sixty days of the publication of the decision by the department
32 in the *Washington State Register*.

1 (b) In the event of a filing of a petition in accordance with
2 (c) of this subsection, the city or county and the department
3 must equally share the costs incurred by the department for
4 defending an approval of determination of compliance that is
5 before the growth management hearings board.

6 (4) The department may implement this section by adopting rules
7 related to determinations of compliance. The rules may address
8 but are not limited to: The requirements for applications for a
9 determination of compliance; charging of costs under (d)(iii) of
10 this subsection; procedures for processing applications;
11 criteria for the evaluation of applications; issuance and notice
12 of department decisions; and applicable timelines.

13 (5) Procedures for a Determination of Compliance.

14 (a) Not less than one hundred twenty days before submitting the
15 adopted ordinance or resolution to the department for a
16 determination of compliance, the city or county must notify the
17 department in writing that it intends to apply for a
18 determination of compliance. Prior notification allows the
19 department to review proposed actions and provide technical
20 assistance prior to final adoption.

21 (b) The department will consult with state agencies with
22 expertise that would be helpful in making its determination of
23 compliance.

24 (c) Public notice of intent to apply for determination of
25 compliance.

26 (i) The department will publish notice in the *Washington State*
27 *Register* that a city or county has notified the department of
28 its intent to request a determination of compliance.

29 (ii) The department will post a copy of the notice of intent to
30 apply for a determination of compliance on the department web
31 site.

1 (iii) The department will notify state agencies with expertise
2 that a county has notified the department of its intent to apply
3 for a determination of compliance.

4 (iv) If applicable the department will notify the parties of
5 record in the case or cases before the growth management
6 hearings board that the city or county is seeking a
7 determination of compliance.

8 (6) Compliance determination procedures.

9 (a) The department will issue its decision in the form of a
10 written statement, including findings of fact and conclusions,
11 and noting the date of the issuance of its decision.

12 (b) The department will publish its decision on the application
13 for determination of compliance as follows:

14 (i) Notify the city or county in writing of its determination;

15 (ii) Publish a notice of action in the *Washington State*
16 *Register*;

17 (iii) Post a notice of its decision on the agency web site;

18 (iv) Notify state agencies with expertise with which department
19 consulted regarding the determination of compliance;

20 (v) If applicable, notify parties of record in the case or cases
21 before the growth management hearings board that resulted in the
22 finding of noncompliance for which the county is seeking a
23 determination of compliance.

24 (vi) If applicable, notify the Growth Management Hearings Board.

25 (7) The initial effective date of an action subject to approval
26 under this section may not occur before approval of the action
27 by the department.

28 (8) If a determination of compliance by the department under
29 this section is appealed to the growth management hearings board
30 under RCW 36.70A.280, the county, city, or town may not be
31 determined to be ineligible or otherwise penalized in the
32 acceptance of applications or the awarding of state agency

1 grants or loans under RCW 47.17.250 during the pendency of the
2 appeal before the board or subsequent judicial appeals.

3
4 **NEW** Sec. 18: Department approval subject to Hearings Board
5 review - RCW 36.70A.280 is amended to read as follows:

6 (1) The growth management hearings board shall hear and
7 determine only those petitions alleging either:

8 (a) That, except as provided otherwise by this subsection, a
9 state agency, county, or city planning under this chapter is not
10 in compliance with the requirements of this chapter, chapter
11 90.58 RCW as it relates to the adoption of shoreline master
12 programs or amendments thereto, or chapter 43.21C RCW as it
13 relates to plans, development regulations, or amendments,
14 adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in
15 this subsection authorizes the board to hear petitions alleging
16 noncompliance with *RCW 36.70A.5801;

17 (b) That the twenty-year growth management planning population
18 projections adopted by the office of financial management
19 pursuant to RCW 43.62.035 should be adjusted;

20 (c) That the approval of a work plan adopted under RCW
21 36.70A.735(1) (a) is not in compliance with the requirements of
22 the program established under RCW 36.70A.710;

23 (d) That regulations adopted under RCW 36.70A.735(1) (b) are not
24 regionally applicable and cannot be adopted, wholly or
25 partially, by another jurisdiction;

26 (e) That a department certification under RCW 36.70A.735(1) (c)
27 is clearly erroneous; or

28 (f) That a department determination under RCW 36.70A.060(1) (d)
29 is clearly erroneous.

30 (g) That a department approval under Section 1 of this act is
31 clearly erroneous. Actions submitted to the department for
32 approval may only be appealed to the growth management hearings

1 board within 60 days following publication by the department of
2 a determination of compliance.

3 (2) A petition may be filed only by: (a) The state, or a county
4 or city that plans under this chapter; (b) a person who has
5 participated orally or in writing before the county or city
6 regarding the matter on which a review is being requested; (c) a
7 person who is certified by the governor within sixty days of
8 filing the request with the board; or (d) a person qualified
9 pursuant to RCW 34.05.530.

10 (3) For purposes of this section "person" means any individual,
11 partnership, corporation, association, state agency,
12 governmental subdivision or unit thereof, or public or private
13 organization or entity of any character.

14 (4) To establish participation standing under subsection (2) (b)
15 of this section, a person must show that his or her
16 participation before the county or city was reasonably related
17 to the person's issue as presented to the board.

18 (5) When considering a possible adjustment to a growth
19 management planning population projection prepared by the office
20 of financial management, the board shall consider the
21 implications of any such adjustment to the population forecast
22 for the entire state.

23 The rationale for any adjustment that is adopted by the board
24 must be documented and filed with the office of financial
25 management within ten working days after adoption.

26 If adjusted by the board, a county growth management planning
27 population projection shall only be used for the planning
28 purposes set forth in this chapter and shall be known as the
29 "board adjusted population projection." None of these changes
30 shall affect the official state and county population forecasts
31 prepared by the office of financial management, which shall
32 continue to be used for state budget and planning purposes.

1 **NEW Sec. 17:** Growth Management Hearings Board May Refer Findings
2 of Noncompliance to the department for Approval.

3 RCW [36.70A.330](#) is amended to read as follows:

4 (1) After the time set for complying with the requirements of
5 this chapter under RCW [36.70A.300](#) (3) (b) has expired, or at an
6 earlier time upon the motion of a county or city subject to a
7 determination of invalidity under RCW [36.70A.300](#), the board shall
8 set a hearing for the purpose of determining whether the state
9 agency, county, or city is in compliance with the requirements
10 of this chapter.

11 (2) The board shall conduct a hearing and issue a finding of
12 compliance or noncompliance with the requirements of this
13 chapter and with any compliance schedule established by the
14 board in its final order. A person with standing to challenge
15 the legislation enacted in response to the board's final order
16 may participate in the hearing along with the petitioner and the
17 state agency, county, or city. A hearing under this subsection
18 shall be given the highest priority of business to be conducted
19 by the board, and a finding shall be issued within forty-five
20 days of the filing of the motion under subsection (1) of this
21 section with the board. The board shall issue any order
22 necessary to make adjustments to the compliance schedule and set
23 additional hearings as provided in subsection (5) of this
24 section.

25 (3) If the board after a compliance hearing finds that the state
26 agency, county, or city is not in compliance, the board shall
27 transmit its finding to the governor.

28 (a) The Board may refer a finding of noncompliance to the
29 department for approval under section 16 of this act. The
30 purpose of the referral is for the department to provide

1 technical assistance to facilitate speedy resolution of the
2 finding of noncompliance.

3 (b)Alternatively, the board may recommend to the governor that
4 the sanctions authorized by this chapter be imposed. The board
5 shall take into consideration the county's or city's efforts to
6 meet its compliance schedule in making the decision to recommend
7 sanctions to the governor.

8 (4) In a compliance hearing upon petition of a party, the board
9 shall also reconsider its final order and decide, if no
10 determination of invalidity has been made, whether one now
11 should be made under RCW [36.70A.302](#).

12 (5) The board shall schedule additional hearings as appropriate
13 pursuant to subsections (1) and (2) of this section.

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